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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,067	01/24/2001	Terry R. Weissman	TLME-01-020	7198

45588 7590 01/03/2007	EXAMINER	
WAGNER, MURABITO & HAO, LLP	PHAN, JOSEPH T	
TWO NORTH MARKET STREET		
THIRD FLOOR	ART UNIT	PAPER NUMBER
SAN JOSE, CA 95113	2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/770,067	WEISSMAN, TERRY R.
	Examiner	Art Unit	
	Joseph T. Phan	2614	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 September 2006</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>19-24 and 26-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>19-24, 26 and 27</u> is/are allowed.

6) ☒ Claim(s) <u>28-29 and 31-36</u> is/are rejected.

7) ☒ Claim(s) <u>30</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 19 objected to because of the following informalities: The last phrase of

amended claim 19 recites "the at least one second command" which was recited as "the

at least one command" in previously objected to claim 25*(indicated allowable if rewritten*

in independent form).   Applicant stated that claim 25 is rewritten in independent form so

therefore examiner views the term "second" as a typographical error. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-29, and 31-36 rejected under 35 U.S.C. 102(e) as being

anticipated by Partovi et al., Patent #6,970,915.

Regarding claim 28, Partovi teaches a method, comprising:

receiving and storing a first series of recorded audio segments*(col.14 lines 26-41; San*

Francisco weather); receiving and storing a second series of recorded audio

segments(col.4 lines 22-27); receiving a request to access the stored first series of

recorded audio segments via a first telephone call*(col.14 lines 22-52);* playing back the

requested first series of recorded audio segments via the first telephone call*(col.14 lines 26-41)*; receiving a selection of a first audio segment of the played back first series of recorded audio segments via the first telephone call*(col.14 lines 26-52; user selects confirmation);* receiving a recorded first audio comment via the first telephone call(col.11 lines 6-16); and storing the received recorded first audio comment in association with the selected first audio segment(col.8 lines 30-42 and col.13 line 36-col.14 line 52).

Regarding claim 29, Partovi teaches the method of claim 28, further comprising: receiving a selection of a second audio segment of the first series of recorded audio segments via the first telephone call; receiving a recorded second audio comment via the first telephone call; and storing the received recorded second audio comment in association with the selected second audio segment(col.4 lines 22-27 and col.13 line 36-col.14 line 52; Partovi has multiple audio segments).

Regarding claim 31, Partovi teaches a method, comprising
storing audio segments corresponding to different conversations in an audio repository*(col.14 lines 26-41 and col.15 lines 10-19; Partovi has different conversations within the same IVR topic or has different topics);*
permitting a plurality of different users to add one or more audio segments to the stored audio segments of selected ones of the different conversations(col.14 lines 26-41 and col.15 lines 10-19);moderating the content of the stored audio segments by marking first ones of the stored audio segments as being approved and marking second ones of the stored audio segments as being disapproved(col.14 lines 26-41 and col.15 lines 10-19); and selectively playing back the approved first ones of the stored audio segments to a

user accessing the stored audio segments via a telephone call(col.14 lines 26-41, col.15

lines 10-19 and col.19 lines 11-26).

Regarding claim 32, Partovi teaches a method, comprising:

storing audio segments corresponding to different conversations in an audio

repository(col.14 lines 26-41 and col.15 lines 10-19; *Partovi has different conversations*

within the same IVR topic or has different topics);

permitting a plurality of different users to add one or more first audio segments to the

stored audio segments of selected ones of the different conversations, wherein the

added one or more first audio segments include audio commentary on a content of the

stored audio segments(col.13 line 36-col.14 line 52 and col.21 lines 13-46);

and receiving one or more second audio segments that rate the audio commentary

included in the one or more first audio segments(col.13 line 36-col.14 line 52).

Regarding claim 33, Partovi teaches a method, comprising:

storing audio segments in an audio repository corresponding to different

conversations(col.14 lines 26-41 and col.15 lines 10-19; Partovi has different

conversations within the same IVR topic or has different topics);

permitting a plurality of different users to add one or more audio segments to the stored

audio segments corresponding to selected ones of the different conversations(col.13

line 36-col.14 line 52 and col.21 lines 13-46);

removing first ones of the stored audio segments that include objectionable material and

second ones of the stored audio segments that include duplicative material to produce

moderated audio segments(col.13 line 36-col.14 line 52 and col.21 lines 13-46);

and selectively playing back the moderated audio segments to users accessing the

stored audio segments via telephone calls(col.13 line 36-col.14 line 52 and col.21 lines

13-46).

Regarding claim 34, Partovi teaches a method, comprising:

storing audio segments in an audio repository corresponding to different

conversations(col.14 lines 26-41 and col.15 lines 10-19; *Partovi has different*

conversations within the same IVR topic or has different topics);

re-ordering the stored audio segments within each of the different conversations in a

rank order based on an importance associated with a content of each of the stored

audio segments(col.14 lines 26-41 and col.15 lines 10-19); and

selectively playing back the re-ordered audio segments based on the rank order to

users accessing the stored audio segments via telephone calls(col.21 lines 13-46).

Regarding claim 35, Partovi teaches the method of claim 34, further comprising:

permitting a plurality of different users to add one or more audio segments to the stored

audio segments corresponding to selected ones of the different conversations(col.14

lines 26-41 and col.15 lines 10-19); wherein the re-ordering includes re-ordering the

stored audio segments and the added one or more audio segments in rank order based

on an importance associated with a content of each of the stored audio segments and

the added one or more audio segments(col.21 lines 13-46).

Regarding claim 36, Partovi teaches a system, comprising:

means for receiving and storing a first series of recorded audio segments;

means for receiving and storing a second series of recorded audio segments',

means for receiving a request to access the stored first series of recorded audio

segments via a first telephone call(col.13 line 36-col.14 line 52 and col.21 lines 13-46).;

means for playing back the requested first series of recorded audio segments via the

first telephone call; means for receiving a selection of a first audio segment of the

played back first series of recorded audio segments via the first telephone call(col.13

line 36-col.14 line 52 and col.21 lines 13-46);

means for receiving recorded first audio comment via the first telephone call; and

means for storing the recorded first audio comment in association with the selected first

audio segment(col.13 line 36-col.14 line 52 and col.21 lines 13-46).

Allowable Subject Matter

3.   Claims 19-24 and 26-27 allowed.

Claim 30 objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Response to Arguments

4.   Applicant's arguments filed 09/29/06 have been fully considered but they are not

persuasive.

Applicant argues Partovi does not teach "receiving a selection of a first audio

segment of the played first series of recorded audio segments", Examiner respectfully

disagrees as Partovi in col.14 lines 26-52 teaches that the system plays back "San

Francisco?" as a recorded audio segment in which the system receives a user selection

of a audio segment(col.14 lines 30-31 or lines 35-37). The claim merely recites

"receiving a selection of a audio segment" which can be broadly interpreted onto Partovi.

Applicant also argues that Partovi does not teach "storing audio segments corresponding to different conversations in an audio repository", the phrase "different conversations" can be interpreted as broadly as the IVR asking different questions within the same communication, as one example col.14 lines 26-52 in Partovi. The different questions are different conversations. Examiner only points out that the claims as currently recited are broad enough to read on one embodiment of Partovi, however, Partovi has multiple embodiments that teaches having different conversations/topics all together(col.4 lines 11-26). And therefore, examiner reserves the right to use other different embodiments in Partovi to read on the claims as currently recited.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
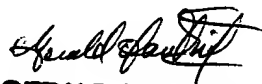
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP
December 26, 2006

GERALD GAUTHIER
PATENT EXAMINER